

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LATTHEN CHANCE DOUGLAS §
VS. § CIVIL ACTION NO. 1:23-cv-274
PEDRO BOYKIN §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Latthen Chance Douglas, proceeding *pro se*, filed this civil rights lawsuit against Pedro Boykin. This matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636 for conclusions of law, and recommendations for the disposition of the case.

Plaintiff has filed a Motion for a Temporary Restraining Order and Preliminary Injunction (doc. #22). Plaintiff asks that the court order Defendant to provide Plaintiff with diabetic treatment, as well provide him with nutritionally adequate snacks and meals after receiving treatment.

This lawsuit concerns events which occurred at the Stiles Unit, where Defendant was employed. Plaintiff is now incarcerated at the Michael Unit. There is no indication Defendant is employed at the Michael Unit. A plaintiff does not have standing to pursue injunctive relief when the named defendant does not have the authority to provide the relief sought. *McCreary v. Richardson*, 738 F.3d 651, 655 (5th Cir. 2013). As there is no indication Defendant has any authority over officials at the Michael Unit, and is therefore unable to provide the relief Plaintiff seeks, his motion for injunctive relief should be denied.

Recommendation

The Motion for a Temporary Restraining Order and Preliminary Injunction should be denied.

Objections

Within 14 days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge. 28 U.S.C. § 636 (b)(1)(C).

Failure to file written objections to the proposed findings of facts, conclusions of law and recommendations contained herein within 14 days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings, conclusions and recommendations and from appellate review of factual findings and legal conclusions accepted by the district court except on grounds of plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (*en banc*); 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72.

SIGNED this the 26th day of February, 2024.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE